IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 20747 of 2006(T)

PETITIONER:

V.L. PHILIP, AGED 49,
S/O. LAWRANCE, VALIYARA HOUSE,
ALUVA WEST VILLAGE.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENTS:

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1. STATE OF KERALA, REP. BY SECRETARY,
LOCAL ADMINISTRATION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. ALUVA MUNICIPALITY,
REP. BY ITS SECRETARY, MUNICIPAL OFFICE,
ALUVA.

3. THE DEPUTY DIRECTOR OF SURVEY AND
LAND RECORDS, CIVIL STATION, KAKKANAD,
ERNAKULAM.

4. THE TALUK SURVEYOR,
TALUK OFFICE, ALUVA.

5. K.C. SANTHOSH, C GARDENS
BUILDING NO.22/103, THOTTAKKATTUKARA, ALUVA.

R5 BY ADV. SRI.DINESH R.SHENOY
R2 BY ADV. SRI.V.M.KURIAN, SC.
R1, R3 & R4 BY ADV. SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 20747 OF 2006

Dated this the 19th day of September, 2007

JUDGMENT

Mr.Thomas submits that the final orders have been passed. It is pointed out that a measurement has been conducted pursuant to the interim order passed in this case and the plan is now placed on record. Under these circumstances, I dispose of the Writ Petition directing the Municipality to take a fresh decision on the question whether any portion of the building belonging to the petitioner is liable to be demolished taking into account the plan which is now available on the basis of the measurement conducted pursuant to the interim orders passed by this Court. Before taking decision as directed, the Municipality will hear the petitioner and the 5th respondent. It is open to the petitioner and 5th respondent to raise before the Municipality, objections if any, they are having as regards the correctness of the plan now made available.

PIUS C. KURIAKOSE, JUDGE

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